

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

Rejection Under 35 USC § 103

The Examiner has rejected claims 1-14 as being unpatentable over Boland (U.S. Pub. No. 2004/0266403) in view of Kaplan (U.S. Patent No. 6,032,039). The applicant respectfully disagrees having regard to the following submissions. To clarify claim 1 the applicant has amended the second step by replacing the term “new voicemail notification” with the term “new voicemail message”.

Boland discloses a message waiting notification system which saves network resources by reducing message traffic (see paras. 0005 and 0006). In the Boland system, when the serving Mobile Switching Center receives a Registration Notification message return result from the subscriber's Home Location Register to update the subscriber's information and the message waiting notification count is the same as the count previously sent to the Home Location Register, the serving Mobile Switching Center does not have to transmit a message waiting notification to the subscriber's wireless device, thus reducing the message traffic between the Mobile Switching Center and the wireless device

¹Certified by the Law Society as a Specialist in Intellectual Property (Patents, Trademarks, Copyright) Law.

²Certified by the Law Society as a Specialist in Intellectual Property (Patent) Law.

In contrast to Boland, claim 1 of the application recites storing information **on a wireless device** about a voicemail message and comparing the stored information to incoming information about a new voicemail message received by the **wireless device**. Information stored on the wireless device, rather than information stored by the Home Location Register or voicemail system is used to determine whether there should be a user notification. The method recited by claim 1 eliminates unnecessary user notifications, which are undesirable by themselves; however, it does not reduce message traffic. Notifications are still sent to the wireless device whenever the device moves between cells.

The advantage of the method of claim 1 is that, in contrast to Boland, no modification is necessary to the Home Location Register or the Mobile Switching Center. The storing and comparing steps recited by claim 1 are executed on the wireless device. Neither Boland nor Kaplan disclose a wireless device which notifies the user of a voicemail message based on information stored on the wireless device and a comparison executed on the wireless device.

In particular, the Examiner has stated that claim 1 would have been obvious having regard to Boland in view of the local message number storage area taught by Kaplan. The applicant submits that, as stated above, Boland discloses a system for reducing message traffic by eliminating unnecessary message notifications being sent to a wireless device. If Boland were modified to utilize message information stored on the wireless device as recited in claim 1, instead of information at the Home Location Register, it would fully defeat the purpose of Boland; message traffic between the Mobile Switching Center and the wireless device would not be reduced. Thus, claim 1 would not have been obvious in light of the cited references. Reconsideration of the rejection is therefore respectfully urged. On the basis that claim 1 is believed to be in allowable condition, the applicant

¹Certified by the Law Society as a Specialist in Intellectual Property (Patents, Trademarks, Copyright) Law.

²Certified by the Law Society as a Specialist in Intellectual Property (Patent) Law.

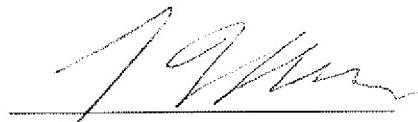
submits that r rejected claims 2-14, dependent thereon, are also allowable.

The Examiner has rejected claims 15-42 as being unpatentable over Boland (U.S. Pub. No. 2004/0266403) in view of Homan (U.S. Patent No. 6,317,485). The Examiner has stated that is would have been obvious to modify Boland to include adding a flag to messages for notifications as taught by Homan. The applicant respectfully disagrees having regard to the following submissions.

Homan teaches a method including checking a flag in the messaging system to determine if the subscriber has **retrieved** a message. The flag is checked to determine whether a notification, already in progress, should be **deactivated**; the Homan flag is not used to determine whether a user should be notified (see claim 7 and column 10, lines 26-41). In contrast to Homan, the flag recited by claims 15, 24 and 34 indicates whether a message has been **acknowledged** by a wireless device. The flag is used to determine whether a wireless device should be notified of a voicemail message; a notification is only sent when the flag indicates that a message has **not** been acknowledged. The flag of claims 15, 24 and 34 has nothing to do with whether a message has actually been retrieved by a user. There is no disclosure in either of the cited references regarding the use of message flags to indicate whether the messages have been acknowledged by a wireless device. On this basis, the applicant submits that claims 15, 24 and 34 are not obvious in light of any combination of the cited references, Boland and Homan. Reconsideration of the rejection is therefore respectfully urged. On the basis that claims 15, 24 and 34 are believed to be in allowable condition, the applicant submits that the rejected claims, dependent thereon, are also allowable.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favourable reconsideration and allowance is respectfully urged.

Respectfully submitted,



Joseph L. Ulvr
Reg. No. 57696
MOFFAT & CO.
427 Laurier Ave. W., Suite 1200
Ottawa, ON K1R 7Y2
(613) 232-7302

Attorney for Applicant
JLU:IK:cd
183709

11

John S. Macera¹, Andrew K. Jarzyna, J. Kevin Carton², Gary K. Arkin, Elizabeth G. Elliott¹, Barry E. Hutsel, James R. Palmer, Howard P. Knopf, Adele J. Finlayson, Johanna I. Coutts, Amy M. Thomas, Joseph L. Ulvr

¹Certified by the Law Society as a Specialist in Intellectual Property (Patents, Trademarks, Copyright) Law.

²Certified by the Law Society as a Specialist in Intellectual Property (Patent) Law.